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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PULLIAS, JESSE SCOTT

ART UNIT	PAPER NUMBER
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2626

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02/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/550,877	STANGLMAYR, KLAUS HUMBERTO	
	Examiner	Art Unit	
	JESSE S. PULLIAS	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 September 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 September 2005 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Drawings

The drawing is objected to because there are no textual labels for the structural components. Appropriate correction is required.

Specification

The specification is objected to for lacking specific section headers. Appropriate correction is required.

Claim Objections

1. In Claim 1, line 11 does not make sense. The examiner suggests replacing "in where synchronous playback mode during" in line 16 with "wherein during".
2. The examiner suggests replacing the instances of "which" in lines 8 and 12 of claim 1 with "wherein" to make the claim more readable. This also applies to claim 6 lines 2 and 15. Appropriate correction is required.
3. Claims 2-5 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim by reciting intended use. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.
4. Claim 2, referring to claim 1, states "the indication means (16) are constructed for indicating the confidence level information (CLI) of the text passage just played back." This statement of intentional use does not further limit the structural composition of the system of claim 1.
5. Claims 3-5 contain similar intended use statements that fail to limit the parent claim and should be corrected in a similar manner. Appropriate correction is required.

6. For purposes of examination, the examiner has interpreted these claims as reciting limits to the structure of the device recited in claim 1.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1 and 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1 recites the limitation "the part" in line 9. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 6 recites the limitation "the part" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to software code, which is non-statutory subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-3, 6-8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al (6,611,802).

Consider claim 1, Lewis discloses a correction device (**Title, System for Correcting**) for correcting text passages in a recognized text information wherein recognized text information is recognized by a speech recognition device from a speech information and which is therefore associated to the speech information, (**Fig 2, Speech Recognizer 110, Col 6 lines 15-23**, dictated text is recognized from the audio signals) the correction device comprising:

reception means (**Fig 2, Proofreading and Correction System 1, Col 6 lines 19-23**, the identified words are passed to the speech dictation system, therefore received by it) for receiving the speech information and the associated recognized text information and a link information,

wherein link information (**Col 6 lines 41-47**, the system automatically marks, or links, sections) at each text passage of the associated recognized text information marks the part of the speech information at which the text passage

was recognized by the speech recognition device, (**Col 7 lines 10-13**, the speech information is played back while proofreading, and **Col 7 lines 26-28**, the system marks the current text under consideration) and

a confidence level information, (**Fig 3A, low confidence word control 8**) wherein confidence level information at each text passage of the recognized text information represents a correctness of the recognition of said text passage (**Col 8 lines 55-65**, the combine acoustical value returned from the speech recognizer... and language models indicate a correctness) and

synchronous playback means (**Fig 5, Col 5 lines 3-4**, show the playback means, **Col 11 lines 20-31** indicate playback is synchronized with the display of words) for performing a synchronous playback mode,

wherein during an acoustic playback of the speech information the text passage of the recognized text information associated to the speech information just played back and marked by the link information is marked synchronously (**Col 11 lines 20-22**, the next available word is highlighted, and **Col 11 lines 36-39**, the words are continually highlighted, constituting a text passage. In **Col 11 lines 25-30**, the audio is played synchronized with the highlighted text) and

indication means (**Fig 3A, Highlighter 18**) for indicating the confidence level information of a text passage of the text information during the synchronous playback.

Regarding claims 6, 11, and 12, claim 6 contains the method performed by the system of claim 1, and claims 11 and 12 are directed to a computer

program and readable medium for implementing the method of claim 6. As a result, claims 6, 11, and 12 are rejected similarly according to the reasons for claim 1.

With respect to claims 2, 3, 7 and 8, Lewis discloses the indication means are constructed for indicating the confidence level information of the text passage just played back (**Col 8 lines 55-65**, low-confidence level words are marked), and the means indicate the confidence level by means of a visual indication (**Col 8 lines 55-65, Fig 6 Visibly Mark Word 203**).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al (6,611,802) in view of Maes et al. (7,092,496).

Regarding claims 4 and 9, Lewis discloses the playback means are constructed to change a playback speed during the acoustic playback in dependence of user's control. (**Col 9 lines 43-53**). Lewis further discloses word confidence level information (**Fig 3A, low confidence word control 8**).

Lewis does not specifically teach the playback speed control is dependent on the confidence level information. Maes discloses a system that changes a playback speed during the acoustic playback (**Col 7 lines 62-67**, the presentation, or playback speed is altered) in dependence of the confidence level information (**Col 3 lines 44-51** show the segments can be marked based on a confidence level, and **Col 2 lines 29-31** teach the controlled rendering property may be the speech playback speed. See also **Col 11 lines 57-65**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lewis to change a playback speed dependent on confidence level information as taught by Maes, in order to reduce difficulty for the user to extract information, as suggested by Maes (**Col 1 lines 15-23**). The inventions are analogous because they are both directed to playing back speech information to a user.

16. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al (6,611,802) in view of Chaiken et al. (2002/0152071).

Consider claim 5 and 10, Lewis discloses a correction device as claimed in claim 1, in which the indication means are constructed for indicating the confidence level information of words.

Lewis does not specifically teach a confidence level information of phrases. Chaiken specifically mentions a confidence level information of phrases. ([0017] lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lewis by extending the confidence level of words to phrases as well, in order to identify phrases the recognizer fails to recognize, as suggested by Chaiken ([0018]). The inventions are analogous because they are both directed to computing confidence levels of recognized words and phrases.

Conclusion

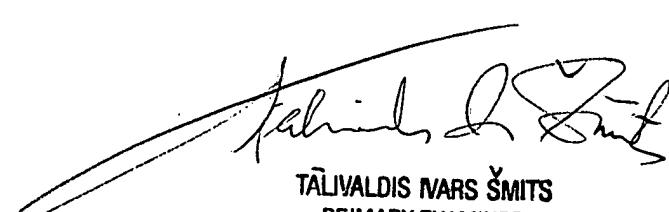
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. 20030083885 Frimpong-Ansah discloses a method and system for transcribing dictations and editing recognition errors
 - b. 20010018653 Wutte discloses a synchronous playback system for speech recognition transcription
 - c. 20020128833 Steinbiss discloses a method of displaying words with a confidence value in speech recognition
 - d. 20020016712 Guerts et al. disclose a system with feedback that shows a confidence value for recognized commands
 - e. 5,799,273 Mitchell et al. disclose an automated proofreading method in which audio is linked to recognized words to make corrections

- f. 5,960,447 Holt et al. disclose a recognized word tagging and editing system with linked audio in which replaced words are statistically analyzed
- g. 6,006,183 Lai et al. disclose a speech recognition system and method that indicates visually the confidence level of recognized words according to a threshold

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Pullias whose telephone number is 571/270-5135. The examiner can normally be reached on M-F 9:00 AM - 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571/270-6135.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jesse S Pullias/


TALIVALDIS NARS SMITS
PRIMARY EXAMINER